

Avg Hours Per Response: Ranges between 10 and 480 hours depending on the requirement.

Needs and Uses: Coastal zone management grants provide funds to states and territories to implement federally-approved coastal zone management plans and develop assessment documents and multi-year strategies. Information is used to determine if activities achieve national coastal management and enhancement objectives and if states are adhering to their approved plans.

Affected Public: State government.

Frequency: Quarterly, semi-annually, annually.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: (202) 395-7340.

Agency: National Oceanic and Atmospheric Administration (NOAA).
Title: Management and Oversight of the National Estuarine Research Reserves System.

Agency Form Number: None.

OMB Approval Number: 0648-0121.

Type of Request: Revision of a currently approved collection.

Burden: 10,400.

Number of Respondents: 19.

Avg Hours Per Response: Ranges between 1 hour and 2,012 depending on the requirement.

Needs and Uses: Grant funds are available to states to establish estuarine research reserves. Other funds are available for research within these areas. Applications are necessary to determine eligibility, and reports are necessary to track the use of Federal funds.

Affected Public: State government, individuals, non-for-profit institutions.

Frequency: On occasion, annually.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395-7340.

Agency: National Oceanic and Atmospheric Administration.

Title: National Marine Sanctuary Permits.

Agency Form Number: None assigned.

OMB Approval Number: 0648-0141.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 426 hours.

Number of Respondents: 248.

Avg Hours Per Response: Ranges between 30 minutes and 2 hours depending on the requirement.

Needs and Uses: The Marine Protection, Research, and Sanctuaries Act, provides for the establishment of National Marine Sanctuaries. The intended effect is to protect the conservation, recreational, ecological, historical, research, educational and

aesthetic qualities of these special areas. Individuals who wish to conduct research or other regulated activities in a National Marine Sanctuary must submit an application for a permit. NOAA reviews the request to ensure that the activity is appropriate for a Sanctuary. Persons issued permits are required to submit activity reports.

Affected Public: Individuals, businesses or other for-profit institutions, non-for-profit institutions, federal, state, local and tribal government.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395-7340.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Application for Designation as a Sea Grant College or Regional Consortia.

Agency Form Number: None.

OMB Approval Number: 0648-0147.

Burden: 20 hours.

Number of Respondents: 1.

Avg Hours Per Response: 20 hours.

Needs and Uses: The National Sea Grant College Act, as amended by Public Law 94-461, provides for the designation of eligible institutions as Sea Grant Colleges or Consortia if certain criteria are met. Applications desiring such a designation must provide an outline of their capabilities and the reasons why they wish to be designated. The information is used for designation decisions.

Affected Public: Not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395-7340.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Final Regulations for Deep Seabed Mining Commercial Recovery.

Agency Form Number: None.

OMB Approval Number: 0648-0170.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 1 hour.

Number of Respondents: None at this time.

Avg Hours Per Response: N/A.

Needs and Uses: Regulations have been issued that contain the requirements for applications for permits for the commercial recovery of manganese nodules from the deep seabed under the Deep Seabed Hard Mineral Resources Act. Although no applications are anticipated in the near future, the regulations have been issued so that business persons know what the application requirements will entail.

Affected Public: Businesses or other for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395-7340.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Western Alaska Community Development Quota Program.

Agency Form Number: None.

OMB Approval Number: 0648-0269.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 1,517 hours.

Number of Respondents: 13 but with multiple submissions.

Avg Hours Per Response: Varies depending on the requirements but ranges between 10 and 160 hours.

Needs and Uses: The North Pacific Fishery Management Council requested that the National Marine Fisheries Service implement the Western Alaska Community Development Quota Program. This program is intended to help provide stable, long-term employment in disadvantaged communities by guaranteeing them a definite proportion of pollock, halibut, and sablefish resources. The information provided through the application process is used to determine the community's eligibility for this program and to make allocation decisions. Quota monitoring reporting requirements are also in place.

Affected Public: Individuals, businesses or other for-profit institutions.

Frequency: On occasion, annually.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395-7340.

Copies of the above information collection proposals can be obtained by calling or writing Gerald Tache, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Don Arbuckle, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20503.

Dated: July 24, 1995

Gerald Tache,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95-18939 Filed 8-1-95; 8:45 am]

BILLING CODE 3510-CW-F

International Trade Administration

[A-428-814]

Certain Cold-Rolled Carbon Steel Flat Products From Germany; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request by the respondent, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on *Certain Cold-Rolled Carbon Steel Flat Products From Germany* (A-428-814). The review covers sales from one manufacturer of the subject merchandise to the United States during the period August 18, 1993 through July 31, 1994.

We have preliminarily determined that sales have been made below foreign market value (FMV). If these preliminary results are adopted in our final results of the administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the United States price (USP) and FMV.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 2, 1995.

FOR FURTHER INFORMATION CONTACT: Steve Bezirgianian or Robin Gray, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482-1395 or (202) 482-0196, respectively.

SUPPLEMENTARY INFORMATION:**Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Background

On July 9, 1993 the Department published in the **Federal Register** (58 FR 37136) the final affirmative antidumping duty determination on certain cold-rolled carbon steel flat products from Germany, for which we published an amendment and an antidumping duty order on August 19, 1993 (58 FR 44170). On August 3, 1994, the Department published the notice of

"Opportunity to Request an Administrative Review" of this order for the period August 18, 1993 through July 31, 1994 (59 FR 39543). C.D. Walzholtz, J.N. Eberle & Cie, GmbH, Rochlinger Kaltwalzwerk and Thyssen Stahl AG (Thyssen) requested an administrative review. We initiated the administrative review on September 8, 1994 (59 FR 46391). Subsequently, C.D. Walzholtz, J.N. Eberle & Cie, GmbH, and Rochlinger Kaltwalzwerk requested that they be allowed to withdraw from the administrative review. On April 12, 1995, we published a "Notice of Partial Termination of Administrative Review of Antidumping Order" with respect to these three respondents (60 FR 18581). The Department is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

The products covered by this review include cold-rolled (cold-reduced) carbon steel flat-rolled products, of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished or coated with plastics or other nonmetallic substances, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7209.11.0000, 7209.12.0030, 7209.12.0090, 7209.13.0030, 7209.13.0090, 7209.14.0030, 7209.14.0090, 7209.21.0000, 7209.22.0000, 7209.23.0000, 7209.24.1000, 7209.24.5000, 7209.31.0000, 7209.32.0000, 7209.33.0000, 7209.34.0000, 7209.41.0000, 7209.42.0000, 7209.43.0000, 7209.44.0000, 7209.90.0000, 7210.70.3000, 7210.90.9000, 7211.30.1030, 7211.30.1090, 7211.30.3000, 7211.30.5000, 7211.41.1000, 7211.41.3030, 7211.41.3090, 7211.41.5000, 7211.41.7030, 7211.41.7060, 7211.41.7090, 7211.49.1030, 7211.49.1090, 7211.49.3000, 7211.49.5030, 7211.49.5060, 7211.49.5090, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7217.11.1000, 7217.11.2000, 7217.11.3000, 7217.19.1000, 7217.19.5000, 7217.21.1000, 7217.29.1000, 7217.29.5000,

7217.31.1000, 7217.39.1000, and 7217.39.5000. Included in this review are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been "worked after rolling")—for example, products which have been bevelled or rounded at the edges. Excluded from this review is certain shadow mask steel, *i.e.*, aluminum-killed, cold-rolled steel coil that is open-coil annealed, has a carbon content of less than 0.002 percent, is of 0.003 to 0.012 inch in thickness, 15 to 30 inches in width, and has an ultra flat, isotropic surface. These HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The period of review (POR) is August 18, 1993 through July 31, 1994. This review covers sales of cold-rolled carbon steel by one manufacturer (Thyssen).

United States Price

The Department used exporter's sales price (ESP) because all sales to the first unrelated purchaser in the United States, whether before or after importation, met the requirements set forth by Section 772(c) of the Tariff Act. ESP was based on the packed prices at which the merchandise was sold under various terms to unrelated purchasers in the United States. We made adjustments, where applicable, for foreign inland freight, plant freight, ocean freight, marine insurance, brokerage and handling, U.S. inland freight, U.S. duty, U.S. credit, discounts, inventory carrying costs, technical service expenses, warranties, warehousing, and indirect selling expenses (which include interest on fixed assets, other U.S.-incurred selling expenses, and export selling expenses).

We also adjusted ESP for value added in further manufacturing, including an allocation of profit earned on U.S. sales.

We adjusted USP for taxes in accordance with our practice as outlined in various determinations, including *Silicomanganese from Venezuela; Final Determination of Sales at Less Than Fair Value*, 59 FR 55435, 55439 (November 7, 1994).

At the German and U.S. verifications, Thyssen suggested various corrections to be made to its database. At verification, the Department accepted the changes because each change was minor and ministerial in nature. On May 12, 1995, the Department instructed Thyssen to make all of the changes to its database, excluding the change suggested by Thyssen for certain discounts, as explained below. On May

22, 1995, Thyssen submitted a revised tape which incorporated these corrections. Based on a review of all of Thyssen's submissions and the Department's findings at verification, the Department determined that the revised May 22, 1995, tape contains the following problems: (1) the identification and deletion of what Thyssen characterized as "duplicate" invoices in a manner inconsistent with the changes suggested by Thyssen at verification; (2) unexplained changes to unshipped balances for one order; (3) changes to quantity of U.S. sales from Richburg, a division of Thyssen, Inc. (TINC), other than those suggested by Thyssen at verification, and other inconsistencies in the changes which Thyssen did suggest; (4) unexplained quantity and price changes for four observations; and (5) errors in the discount field for one U.S. customer. Due to these discrepancies we are unable to perform an accurate calculation for certain sales. Counsel for petitioners has argued that the Department should use total BIA in this case due to the deficiencies in Thyssen's response. We have determined, however, that resorting to total best information available ("BIA") is not warranted because Thyssen's U.S. database is not sufficiently flawed such that the response as a whole is unreliable. See *National Steel Corporation v. United States*, 870 F. Supp. 1130, 1135 (CIT 1994); see also the July 20, 1995, decision memorandum from Richard O. Weible to Roland L. MacDonald. Instead, we used a margin based upon BIA only for those sales of U.S. products where we did not have complete and accurate information.

The adversity of the information used as partial BIA depends upon the level of sufficiency of the information provided. When partial BIA is warranted, but the errors in the information submitted constitute a failure to provide the necessary data, the Department consistently applies adverse BIA. *Id.* (citing, *inter alia*, *Certain Corrosion-Resistant Carbon Steel Flat Products From Finland*, 58 Fed. Reg. 37,122, 37,124 (1993)). By contrast, when only a minor adjustment in the data is involved or there is an inadvertent gap in the record, we apply a less adverse or neutral surrogate. *Nat'l Steel* at 1136.

Thyssen's revised database did contain unauthorized changes and other unexplained problems. However, the sales affected are minimal in quantity, and the apparent inaccuracies consist mostly of data-entry problems rather than omissions or insufficiencies in Thyssen's reporting. For these reasons,

we have not applied the most adverse partial BIA. We have chosen as BIA Thyssen's weighted-average margin from the original investigation.

We disallowed the exchange rate expense which Thyssen claimed due to unexplained changes in this expense in the May 22, 1995 submission. (See *Analysis Memorandum to the File*, June 16, 1995).

Also, due to inaccurate and deficient information provided during the verification of product characteristics for one U.S. sale, we are assigning to that sale a margin based on BIA, as previously described. Further, Thyssen failed to report contemporaneous home market sales for 1992 requirements contract sales by the Budd Company, a related parts manufacturer. We have assigned these sales a margin based on BIA, as previously described (see *Analysis Memorandum to the File*, June 16, 1995). Finally, Thyssen failed to include in its database a storage/warehouse expense incurred by TINC on certain U.S. sales. We adjusted U.S. price to account for this expense, where appropriate (see *Analysis Memorandum to the File*, June 16, 1995). Also, due to errors noted at verification, we adjusted warehousing expense for the automotive division for both fiscal years.

No other adjustments were claimed or allowed.

Foreign Market Value

Based on a comparison of the volume of home market and third country sales, we determined that the home market was viable. Therefore, in accordance with section 773(a)(1)(A) of the Tariff Act, we based FMV on the packed prices at which the merchandise was sold under various terms to related and unrelated purchasers in the home market.

Based on a review of Thyssen's submissions and findings at verification, the Department determined that Thyssen need not report the home market sales made by Thyssen's related parties to the first unrelated party (downstream sales). The vast majority of the products sold by these related parties in the home market possessed physical characteristics that made them less similar to those imported into the United States than those sold directly by Thyssen to its related and unrelated home market customers in transactions suitable for matching purposes. The Department determined that only a small portion of the downstream sales could provide potential matches to the company's U.S. sales. Considering the burden that would have been required to report these sales relative to the potential utility of the sales, we

determined that they need not be reported (see *Analysis Memorandum to the File*, June 16, 1995).

Petitioners alleged that Thyssen sold cold-rolled carbon steel in the home market at prices below their cost of production (COP). Based on this allegation, the Department determined that it had reasonable grounds to believe or suspect that Thyssen had sold steel flat products in the home market at below cost prices. A cost investigation was therefore initiated in accordance with section 773(b) of the Tariff Act. As a result, we investigated whether Thyssen sold such or similar merchandise in the home market at prices below the COP. In accordance with 19 CFR 353.51(c), we calculated COP for Thyssen as the sum of reported materials, labor, factory overhead, and general expenses. We compared COP to home market prices, discounts, and movement expenses. Based on our verification of Thyssen's cost response, we made the following adjustments to its COP data:

1. We recalculated the allocation of the thirteenth month adjustment on the basis of costs reported in the unconsolidated Thyssen Stahl income statements for the respective fiscal years.

2. We reduced the claimed interest income offset by eliminating dividend income.

3. We recalculated net financing expense on a model-specific basis by applying the net financing expense ratio to the COM of each unique product.

After computing COP, we compared the VAT-neutral product-specific COP to the VAT-neutral reported prices net of movement charges and discounts. In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the COP, we examined whether such sales were made in substantial quantities over an extended period of time, and whether such sales were made at prices which permitted recovery of all costs within a reasonable period of time in the normal course of trade.

To satisfy the requirement of Section 773(b)(1) that below cost sales be disregarded only if made in substantial quantities, we applied the following methodology. For each model for which less than 10 percent, by quantity, of the home market sales during the POR were made at prices below COP, we included all sales of that model in the computation of FMV. For each model for which 10 percent or more, but less than 90 percent, of the home market sales during the POR were priced below COP, we excluded those sales priced

below COP, provided that they were made over an extended period of time. For each model for which 90 percent or more of the home market sales during the POR were priced below COP and were made over an extended period of time, we disregarded all sales of that model in our calculation and, in accordance with section 773(b) of the Tariff Act, we used the constructed value (CV) of those models, as described below. See, e.g., *Mechanical Transfer Presses from Japan, Final Results of Antidumping Duty Administrative Review*, 59 FR 9958 (March 2, 1994).

In accordance with section 773(b)(1) of the Tariff Act, to determine whether sales below cost had been made over an extended period of time, we compared the number of months in which sales below cost occurred for a particular model to the number of months in which that model was sold. If the model was sold in fewer than three months, we did not disregard below-cost sales unless there were below-cost sales of that model in each month sold. If a model was sold in three or more months, we did not disregard below-cost sales unless there were sales below cost in at least three of the months in which the model was sold. See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Final Results of Antidumping Duty Administrative Reviews*, 58 FR 64720, 64729 (December 8, 1993).

Because Thyssen provided no indication that its below-cost sales of models within the "greater than 90 percent" and the "between 10 and 90 percent" categories were at prices that would permit recovery of all costs within a reasonable period of time and in the normal course of trade, we disregarded those sales of models within the "10 to 90 percent" category which were made below cost over an extended period of time. In addition, as a result of our COP test for home market sales of models within the "greater than 90 percent" category, we based FMV on CV for all U.S. sales for which there were insufficient sales of the comparison home market model at or above COP. Finally, where we found, for certain of Thyssen's models, home market sales for which less than 10 percent were made below COP, we used all home market sales of these models in our comparisons.

We also used CV as FMV for those U.S. sales for which there was no contemporaneous sale of such or similar merchandise in the home market. We calculated CV in accordance with

section 773(e) of the Tariff Act. We included the cost of materials, labor, factory overhead, and U.S. packing in our calculations. Where the general expenses were less than the statutory minimum of 10 percent of the cost of manufacture (COM), we calculated general expenses as 10 percent of the COM. Where the actual profits were less than the statutory minimum of 8 percent of the COM plus general expenses, we calculated profit as 8 percent of the sum of COM plus general expenses. Based on our verification of Thyssen's cost response, we made the same adjustments to respondent's CV data as we made to its COP data, as discussed above.

In accordance with section 773 of the Tariff Act, for those U.S. models for which we were able to find a home market such or similar match that had sufficient above-cost sales, we calculated FMV based on the packed prices at which the merchandise was sold under various terms to unrelated purchasers or to related purchasers (where an arm's-length relationship was demonstrated) in the home market. We made adjustments, where applicable, for freight, inland insurance, discounts, credit and warehousing in accordance with 19 CFR 353.56(a)(1). We adjusted FMV for indirect selling expenses in the home market, which include plant freight, warranty, technical services, inventory carrying costs and other indirect selling expenses. We limited the home market indirect selling expense deductions by the amount of indirect selling expenses incurred in the United States, in accordance with 19 CFR 353.56(b)(2). FMV was also adjusted for differences in physical characteristics. After deducting home market packing, we added packing expenses incurred in Germany for U.S. sales to FMV. We adjusted for the German value added tax. No other adjustments were claimed or allowed.

Preliminary Results of Review

As a result of our comparison of USP to FMV we preliminarily determine that the following margin exists for the period August 18, 1993 through July 31, 1994:

Manufacturer/reseller/exporter	Margin (percent)
Thyssen	4.80

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of

publication or the first business day thereafter. Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of these administrative reviews including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between the USP and FMV may vary from the percentages stated above.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided for by section 751(a)(1) of the Tariff Act. A cash deposit of estimated antidumping duties shall be required on shipments of certain cold-rolled carbon steel flat products from Germany as follows: (1) The cash deposit rate for the reviewed company will be the rate established in the final results of this review; (2) For previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) If the exporter is not a firm covered in this review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) If neither the exporter nor the manufacturer is a firm covered in this review, the cash deposit rate will be 19.02 percent. This is the "all others" rate from the LTFV investigation. See *Antidumping Duty Order and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products From Germany*, 58 FR 44170 (August 19, 1993).

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the

subsequent assessment of double antidumping duties.

This administrative review and this notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: July 26, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95-19013 Filed 8-1-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-331-602]

Certain Fresh Cut Flowers From Ecuador; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request from the Floral Trade Council, petitioner in this proceeding, to conduct an administrative review, the Department of Commerce (the Department) has conducted an administrative review of the antidumping duty order on certain fresh cut flowers from Ecuador. The review covers twelve producers and/or exporters of this merchandise and the period March 1, 1993 through February 28, 1994.

We have preliminarily determined that sales have been made below the foreign market value (FMV). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the United States price (USP) and the FMV.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 2, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas E. Schauer, Joseph A. Fargo, or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-4733/4477.

SUPPLEMENTARY INFORMATION:

Background

On March 18, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 8494) the antidumping duty order on certain fresh cut flowers from Ecuador. On March 4, 1994, the Department

published a notice of "Opportunity to Request Administrative Review" with respect to the period March 1, 1993 through February 28, 1994 (59 FR 14608). The Department received a timely request for review from the petitioner, the Floral Trade Council, on March 31, 1994, in accordance with 19 CFR 353.22(a). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Tariff Act"). Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Scope of the Review

Imports covered by the review are shipments of certain fresh cut flowers from Ecuador (standard carnations, standard chrysanthemums, and pompom chrysanthemums). This merchandise is classifiable under Harmonized Tariff Schedule ("HTS") items 0603.10.30.00, 0603.10.70.10, 0603.10.70.20, and 0603.10.70.30. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers Flores La Antonia, Flores del Quinche S.A., Florisol Cia Ltda., Flores de Ibarra, Flores de Puewambo, Flores del Ecuador, Flores Pichincha, Florestrade, Guaisa S.A., Inlandes S.A., Mundiflor, and Velvet Flores Cia S.A., which are producers and/or exporters of certain fresh cut flowers from Ecuador to the United States and the period March 1, 1993 through February 28, 1994.

Best Information Available

Because certain companies did not provide a response to the Department's request for information, in accordance with section 776(c) of the Tariff Act, we have preliminarily determined that the use of best information otherwise available (BIA) is appropriate for these firms. The Department's regulations provide that we may take into account whether a party refuses to provide information in determining what rate to use as BIA (19 CFR 353.37(b)). Generally, whenever a company refuses to cooperate with the Department or otherwise significantly impedes the proceeding, we use as adverse BIA the highest rate for any company for the same class or kind of merchandise from this or any other segment of the proceeding. When a company substantially cooperates with our requests for information, but fails to provide all the information requested in a timely manner or in the form

requested, we use as cooperative BIA the higher of (1) the highest rate (including the "all others" rate) ever applicable to the firm for the same class or kind of merchandise from the same country from either the LTFV investigation or a prior administrative review; or (2) the highest calculated rate in this review for any firm for the same class or kind of merchandise from the same country. *See Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany, et al.; Final Results of Antidumping Duty Administrative Review*, 57 FR 28360, 28379-80 (July 24, 1992); *see also Allied-Signal Aerospace Co. v. United States* 996 F.2d 1185 (Fed. Cir. 1993).

For these preliminary results we have applied a cooperative BIA rate to sales made by Flores de Ibarra, Flores de Puewambo, Flores del Ecuador, Flores Pichincha, Florestrade, and Mundiflor. These firms are no longer in business, and we have preliminarily determined, in accordance with the standards enumerated in *Certain Fresh Cut Flowers From Colombia; Final Results of Antidumping Duty Administrative Review, and Notice of Revocation of Order (in Part)*, 59 FR 15159 (March 31, 1994) ("*Colombian Flowers*"), that they are incapable of responding to the Department's questionnaire. In *Colombian Flowers*, the Department treated bankrupt, or otherwise out of business, firms as cooperative provided that they explained their situation to the Department. In this case, the firms mentioned above submitted certifications that they are no longer in business and thus could not respond. Therefore, in accordance with *Colombian Flowers*, we preliminarily find these firms to be cooperative.

In this proceeding, none of the firms named above had ever received a higher margin than that calculated for Flores La Antonia in the instant review. Therefore, we have applied the rate calculated for Flores La Antonia, which is 28.44 percent, to Flores de Ibarra, Flores de Puewambo, Flores del Ecuador, Flores Pichincha, Florestrade, and Mundiflor.

United States Price

Pursuant to section 777A of the Tariff Act, we preliminarily determined that it was appropriate to average U.S. prices on a monthly basis in order (1) to use actual price information that is often available only on a monthly basis; (2) to account for large sales volumes; and (3) to account for perishable product pricing practices. *See Final Results of Antidumping Duty Administrative Review; Certain Fresh Cut Flowers from*